IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 61 OF 2005
IN
CIVIL REVISION APPLICATION NO. 9 OF 2004

Sadhana Ramesh Dicholkar ..Applicant

Vs.

1. Parayil Krishan Kesavan
and ors. ..Respondents

Mr. Mukesh V. Aiya for applicant.
Mr. D.S. Sawant for Respondent No.1.

CORAM: B.H. MARLAPALLE, J.

Date : July 13, 2005.

P.C.:

1. This is an application for condonation of delay in filing Civil Application for restoration of the Civil Revision Application No.9 of 2004 which came to be dismissed in default. As per the office note delay caused is of one year and eighty days. It is stated that Civil Application No.38 of 2005 was moved by the applicant for bringing LRs of Respondent No.2 on record and that is how the applicant got the knowledge that the Civil Revision Application was dismissed.

2. Though the reasons given do not appear prima facie to be satisfactory, it needs to be noted that the applicant is a lady and by the impugned order in the Civil Revision Application she is sought to be evicted from Flat No.6, Suraj Apartments, M.R.Road, Thane. The said Civil Revision Application was also admitted and interim relief in terms of prayer clause (b) was granted by this Court vide order dated 13/1/2004. It would be, therefore, just and proper that this application is allowed by imposing costs.

3. Hence the delay is condoned and the application is allowed subject to payment of cost quantified at Rs.1000/-. Cost be remitted to the Maharashtra State Legal Services Authority within two weeks from today. Civil Application for restoration of CRA be listed for further orders after two weeks.

(B.H. Marlapalle,J.)